

Amendments to the Drawings:

The attached sheets of drawings includes changes to Figs. 1a-1d. These sheets, which include Figs. 1a-1d, replace the original sheets including Figs. 1a-1d.

Attachment: Replacement Sheets
Annotated Sheets Showing Changes

REMARKS/ARGUMENTS

Reconsideration of the rejections set forth in the Office Action dated July 7, 2005 is respectfully requested. Claims 1-34 have been rejected. Claims 35 and 36 have been added. As such, claims 1-36 are currently pending.

Claims 1, 3, 4, 7, 9, 13, 14, 16, 18, 19, 21, 24, 26, and 28 have been amended for clarity and to remove the use of the term "it." Claims 1, 7, 11, 16, 19, 24, and 28 have been amended to recite that a first unprotected link is not included in a blocked list that is arranged to identify nodes and links included in a protected path segment as being unavailable for selection. Support for these amendments may be found in the Specification, as for example from page 13 at line 6 to page 14 at lines 24.

Claims 11, 15, 16, 24, and 27 have been amended for clarity, and to overcome the Examiner's rejections under 35 U.S.C. § 101.

New claim 35 requires that a blocked list is arranged to identify any node or any link that is required as a part of a circuit path as being unavailable for selection to be included in the first alternate path segment. Support for this claim may be found, for example, in the Specification on page 14 from lines 1-9. New claim 36 requires that a blocked list is one of a table or an array. Support for this new claim may be found in the Specification, *e.g.*, on page 14 at lines 11-16.

Claim Objections

Claims 1, 3, 4, 16, 24, and 28 have been objected to because of informalities. The Examiner has indicated that the feature "it" should not be used in the claims. In a sincere effort to expedite the prosecution of the instant application, the Applicants have removed the word "it" from claims 1, 3, 4, 16, 24, and 28. As such, it is respectfully submitted that the Examiner's objections to claims 1, 3, 4, 16, 24, and 28 have been overcome.

Although the Examiner did not require correction to claims 7, 9, 13, 14, 18, 19, 21, and 26, the Applicants have also amended these claims to remove the word "it."

Rejections under 35 U.S.C. § 101

Claims 11-18 and 24-27 have been rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

With regards to the rejection of claims 15 and 27 because the feature "carrier wave" renders the claims as not statutory as they are not tangible, the Applicants respectfully disagree. However, in a sincere effort to expedite prosecution, claims 15 and 27 have been amended to remove the limitations pertaining to a "carrier wave."

The Examiner has argued that claims 11, 16, and 24 should each be amended to recite a computer program product embodied on a computer readable medium. The Applicants have amended claims 11 and 24 to recite a computer program product embodied on a computer readable medium. Therefore, the rejections of claims 11-15 and 24-27 are believed to be overcome.

Claim 16 is directed towards a system that includes both a processor and computer code that is stored on a medium. Hence, the Applicants respectfully submit that the system of claim 16 includes a medium and a processor, which each constitute statutory subject matter. As such, the Applicants respectfully request that the Examiner's rejection of claim 16 and its dependents under 35 U.S.C. § 101 be withdrawn.

Rejections under 35 U.S.C. § 102

Claims 1-34 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Hillard et al. (U.S. Patent No. 6,765,880), herein after "Hillard."

As amended, the claims require that a first unprotected link is not included in a blocked list that identifies nodes and links of at least one protected segment of a circuit path. It is respectfully submitted that the cited art does not teach of blocked list (*i.e.*, a blocked list that identifies node and links of at least one protected path that are unavailable for selection). Therefore, the claims are each believed to be allowable over the cited art for at least this reason.

Double Patenting

Claims 1 and 24 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 20 of U.S. Patent No. 6,750,880. In view of the Amendments made to claims 1 and 24, the Applicants believe that claims 1 and 24 are patentably distinct from claim 20 of U.S. Patent No. 6,750,880. As such, the Applicants have elected not to file a terminal disclaimer at this time.

Conclusion

For at least the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 868-4096.

Respectfully submitted,



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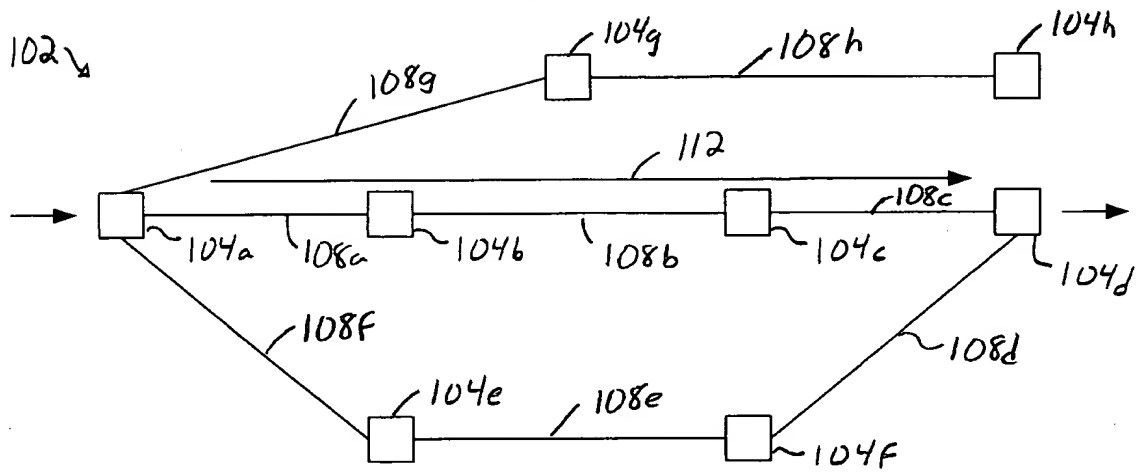


Fig. 1a
Prior Art

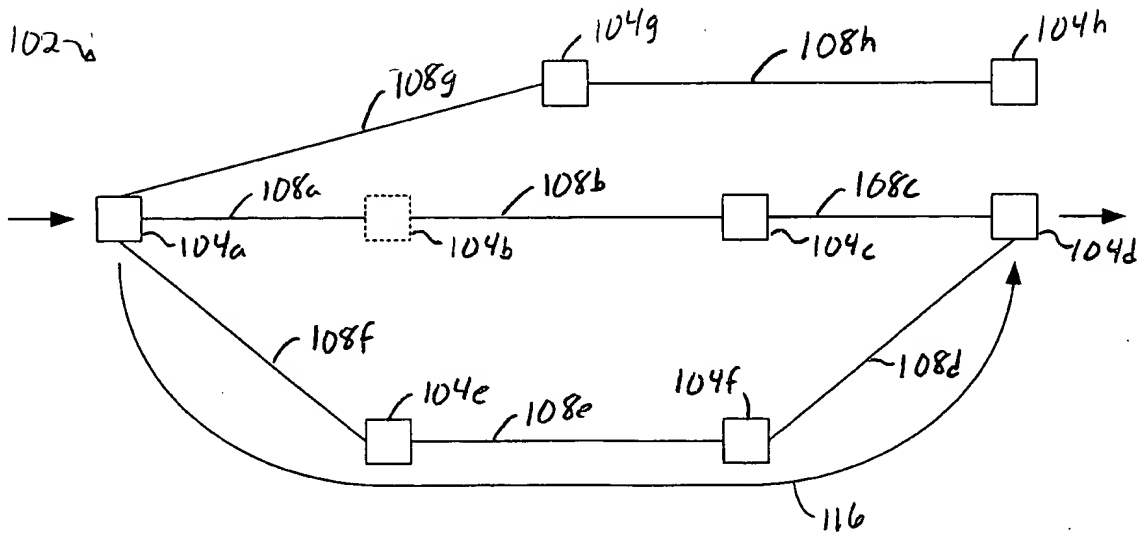


Fig. 1b
Prior Art

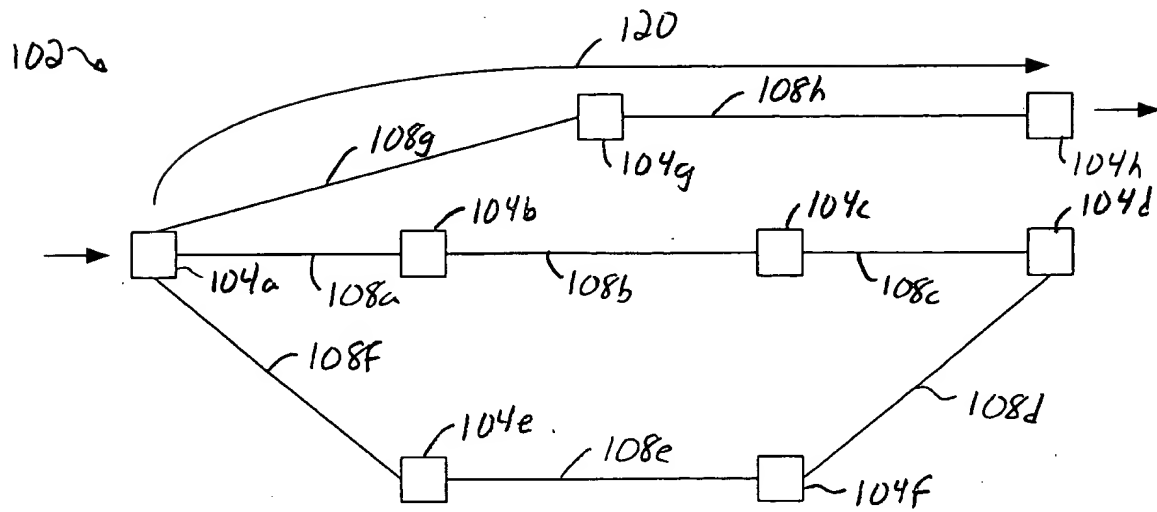


Fig. 1c
Prior Art

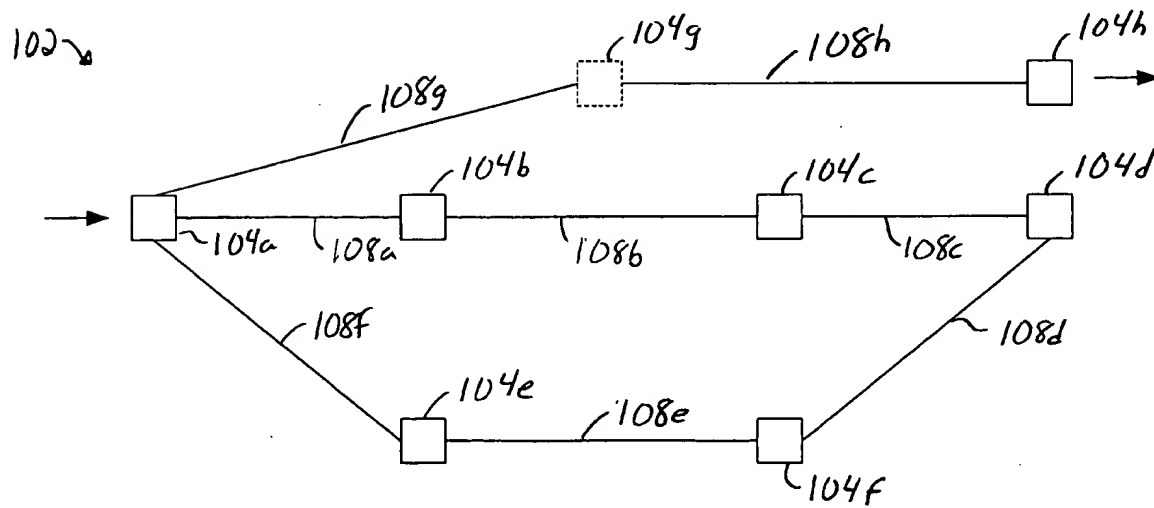


Fig. 1d
Prior Art